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07 OCT 22 PM 2:21
RICHARD H. WIEKING
U.S. DISTRICT COURT
NO. 5:07-cv-05376

8 Attorneys for Defendants
9 ALTAMIRA CORPORATION doing business as
10 Arby's® roast beef restaurant and
11 CHERRY CHASE INVESTORS

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 SAN JOSE DIVISION

15 ROBERT McCARTHY,

16 Plaintiff,

17 v.

18 ARBY'S ROAST BEEF RESTAURANT,
19 ALTAMIRA CORPORATION and
20 CHERRY CHASE INVESTORS,

21 Defendants.

Case No.

22 C 07 05376 PVT

23 PROOF OF SERVICE

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PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 650 California Street, 20th Floor, San Francisco, California 94108-2693. On October 22, 2007, I served the within document(s):

**NOTICE TO PLAINTIFF, PLAINTIFF'S COUNSEL AND STATE COURT OF
REMOVAL OF CIVIL ACTION**

**DEFENDANT'S JEFFREY A. GIANNINI, ALBERT P. GIANNINI, JR. AND THE
GIANNINI LIVING TRUST'S CERTIFICATION OF INTERESTED ENTITIES
OR PERSONS**

- by facsimile transmission at or about _____ on that date. This document was transmitted by using a facsimile machine that complies with California Rules of Court Rule 2003(3), telephone number 415.399.8490. The transmission was reported as complete and without error. A copy of the transmission report, properly issued by the transmitting machine, is attached. The names and facsimile numbers of the person(s) served are as set forth below.
- by placing a true copy of the document(s) listed above for collection and mailing following the firm's ordinary business practice in a sealed envelope with postage thereon fully prepaid for deposit in the United States mail at San Francisco, California addressed as set forth below.
- by depositing a true copy of the same enclosed in a sealed envelope, with delivery fees provided for, in an overnight delivery service pick up box or office designated for overnight delivery, and addressed as set forth below.
- by personally delivering a copy of the document(s) listed above to the person(s) at the address(es) set forth below.

David C. Wakefield, Esq.
Pinnock & Wakefield
3033 Fifth Avenue, Suite 410
San Diego, CA 92103
(619) 858-3671

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1 deposited in an overnight delivery service pick-up box or office on the same day with postage or
2 fees thereon fully prepaid in the ordinary course of business.

3 I declare under penalty of perjury under the laws of the State of California that the
4 above is true and correct. Executed on October 22, 2007, at San Francisco, California.
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